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18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
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23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFFS' STATEMENT OF
GENUINE DISPUTES OF MATERIAL
FACT IN OPPOSITION TO
DEFENDANT ANGELO FERRARA'S
MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION**

Case No. 2:16-cv-02129-SJO (RAOx)

PLTFS.' STMT. OF GENUINE DISPUTES OF MATERIAL FACT IN OPP. TO DEFT ANGELO FERRARA MOT.
FOR SUMM. JUDGMENT OR, IN THE ALT., SUMM. ADJUD.

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v.

LUNADA BAY BOYS; THE INDIVIDUAL MEMBERS OF THE LUNADA BAY BOYS, including but not limited to SANG LEE, BRANT BLAKEMAN, ALAN JOHNSTON AKA JALIAN JOHNSTON, MICHAEL RAE PAPAYANS, ANGELO FERRARA, FRANK FERRARA, CHARLIE FERRARA, and N. F.; CITY OF PALOS VERDES ESTATES; CHIEF OF POLICE JEFF KEPLEY, in his representative capacity; and DOES 1-10,

Defendants.

Judge: Hon. S. James Otero
Date: September 5, 2017
Time: 10:00 a.m.
Crtrm.: 10C

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

Plaintiffs Cory Spencer, Diana Milena Reed, and Coastal Protection Rangers, Inc. ("Plaintiffs") hereby respectfully submit the following Statement of Genuine Disputes of Material Fact in Opposition to Defendant Angelo Ferrara's (Defendant) Motion for Summary Judgment or, in the Alternative, Summary Adjudication.

Defendant's Statement of Uncontroverted Facts and Evidence in Support	Plaintiffs' Response in Opposition
1. Before January 2016, Cory Spencer ("Spencer") visited Lunada Bay on at least eight to ten occasions. Declaration of Mark C. Fields ("Fields Dec."), ¶ 2, Ex. A: October 11, 2016 Deposition of Plaintiff Cory Eldon	1. Undisputed, to the extent "visited" refers to brief stops on the bluff top.

<p>1 Defendant's Statement of 2 Uncontroverted Facts and Evidence 3 in Support</p>	<p>Plaintiffs' Response in Opposition</p>
<p>3 Spencer ("Spencer Deposition") 59: 9- 4 12; 64: 13-25; 65: 1-8.</p>	
<p>5 2. Since January 29, 2016, Spencer 6 has visited Lunada Bay on at least three 7 to five occasions. 8 9 Fields Dec., ¶ 2, Ex. A: Spencer 10 Deposition 170:9-21. 11 12</p>	<p>2. Undisputed, to the extent "visited" refers stops on the bluff top only to watch the cars of other outsiders, for a Coastal Protection Rangers' event on Martin Luther King Day, or meeting with news correspondents to discuss the topic of illegal exclusivity in Lunada Bay.</p>
<p>13 3. Spencer has no personal 14 knowledge of having ever met Angelo 15 or of Angelo engaging in any wrongful 16 behaviour (<i>sic</i>). 17 18 Fields Dec., ¶ 2, Ex. A: Spencer 19 Deposition, 217:1 — 222:15. 20 21 22 23 24 25 26</p>	<p>3. Disputed. The cited evidence does not support this asserted (and argumentative) fact. Plaintiff Spencer did not testify that he never met Defendant Angelo or that Defendant Angelo never engaged in wrongful behavior. (Fields Dec., Ex. A, p. 217, line 1 – p. 222, line 15.) Additionally, Angelo Ferrara is a member of the Bay Boys' conspiracy. See Plaintiffs' Statement of Additional Material Facts In Opposition to Individual Defendants' Motions for Summary Judgment.</p>
<p>27 4. Plaintiff Diana Milena Reed</p>	<p>4. Undisputed, to the extent</p>

1 2	Defendant's Statement of Uncontroverted Facts and Evidence in Support	Plaintiffs' Response in Opposition
3 4 5 6 7 8 9 10 11	<p>(“Reed”) has visited Lunada Bay on at least four occasions—January 6, 2016, January 29, 2016; February 5, 2016; and February 13, 2016.</p> <p>Fields Dec., ¶ 3, Ex. B: October 24, 2016 Deposition of Diana Milena Reed, 105: 13-15; 103: 19-25; 104: 1-9; 146: 11-15; 156: 23-25; 157: 1-5.</p>	<p>“visited” does not include time in the submerged tidelands or surfing.</p> <p>Further, Defendant failed to attach pages 146 and 157 of the Deposition of Plaintiff Reed. Consequently, Defendant provided no evidence to support his statement that Plaintiff Reed visited Lunada Bay on February 5, 2016.</p>
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	<p>5. Reed has no personal knowledge of having ever met Angelo or of Angelo engaging in any wrongful behaviour (<i>sic</i>).</p> <p>Fields Dec., ¶ 4, Ex. C: October 25, 2016 Deposition of Diana Milena Reed, 343:16 — 345:13.</p>	<p>5. Disputed. The cited evidence does not support the asserted (and argumentative) fact. Plaintiff Reed did not testify that she never met Defendant Angelo or that Defendant Angelo never engaged in any wrongful behavior. She testified that she did not "recall" if she ever met him. She also testified that she was informed by Defendant Charlie Ferrara that Defendant Angelo, along with Angelo’s brother (Frank), were among the original Bay Boys. (Fields Dec., Ex. C, p. 345;, line15 – p. 346, line 3.) Additionally, Angelo Ferrara is a member of the Bay Boys’ conspiracy.</p>

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Defendant's Statement of Uncontroverted Facts and Evidence in Support	Plaintiffs' Response in Opposition
	See Plaintiffs' Statement of Additional Material Facts In Opposition to Individual Defendants' Motions for Summary Judgment.

DATED: August 7, 2017

HANSON BRIDGETT LLP

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